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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GREGORY N. LEONARD,

Petitioner,

v.

TIMOTHY FILSON, *et al.*,

Respondents.

Case No. 2:18-cv-00853-APG-VCF

ORDER

This action is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by Gregory N. Leonard, a Nevada prisoner sentenced to death. Leonard filed a *pro se* habeas corpus petition (ECF No. 1) on May 11, 2018.

With his petition, Leonard filed an application for leave to proceed *in forma pauperis* (ECF No. 4). Based on the financial information provided, the court will grant Leonard *in forma pauperis* status for all purposes other than waiver of the filing fee, which he has already paid.

In addition, Leonard filed a motion for appointment of counsel (ECF No. 3). The information provided in Leonard's application for leave to proceed *in forma pauperis* shows that he lacks the resources necessary to employ counsel for this capital habeas corpus action. Therefore, pursuant to 18 U.S.C. § 3599, and in the interests of justice, the court will appoint the Federal Public Defender for the District of Arizona (FPD) to represent Leonard. If the FPD is unable to represent Leonard, due to a conflict of interest or other

1 reason, then alternate counsel will be appointed. Leonard's appointed counsel will
2 represent him in all subsequent proceedings, pursuant to 18 U.S.C. § 3599(e), unless
3 and until allowed to withdraw.

4 The court has examined Leonard's petition for writ of habeas corpus, pursuant to
5 Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts.
6 The court will direct the Clerk of the Court to serve the petition upon the respondents.

7 **IT IS THEREFORE ORDERED** that petitioner's Application to Proceed *in Forma*
8 *Pauperis* (ECF No. 4) is **GRANTED**.

9 **IT IS FURTHER ORDERED** that petitioner's Motion for Appointment of Counsel
10 (ECF No. 3) is **GRANTED**. The Federal Public Defender for the District of Arizona is
11 appointed to represent petitioner. The Federal Public Defender will have 30 days from the
12 date of entry of this order to file a notice of appearance as counsel for petitioner or to file
13 a notice indicating its inability to represent petitioner in these proceedings.

14 **IT IS FURTHER ORDERED** that the Clerk of the Court will electronically serve a
15 copy of this order on the Federal Public Defender for the District of Arizona.

16 **IT IS FURTHER ORDERED** that the Clerk of the Court will add Adam Paul Laxalt,
17 Attorney General of the State of Nevada, as counsel for respondents.

18 **IT IS FURTHER ORDERED** that the Clerk of the Court will electronically serve
19 upon respondents a copy of the habeas corpus petition in this case, and a copy of this
20 order. Respondents' counsel will enter a notice of appearance within 30 days of the entry
21 of this order, but need take no further action in this case unless and until the court so
22 orders.

23 Dated: May 14, 2018.

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26 _____
27 ANDREW P. GORDON,
28 UNITED STATES DISTRICT JUDGE